THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24314 OF 2005

DATED:15.11.2005

Between:

Yaragalla Sambasiva Rao

…Petitioner

And

The Commissioner, Department of Panchayat Raj,

Government of Andhra Pradesh

Hyderabad and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.24314 OF 2005

ORDER:

The petitioner is Upa-Sarpanch of Guddikayalanka Gram Panchayat in Guntur District. He assails the notice issued by third respondent in Form-V informing the members of the Gram Panchayat that a meeting would be convened on 11.11.2005 to consider the motion expressing want of confidence in him as required under sub-section (2) of Section 245 of the A.P. Panchayat Raj Act, 1994 (for short, the Act). Two objections are raised. First, there is no proper service of notice as required under the rules framed for the purpose of moving motion expressing no confidence; and, two, the proposed motion was not enclosed to the notice.

After hearing the learned counsel for the petitioner and the learned Assistant

Government Pleader for Panchayat Raj, this Court is convinced that the Writ Petition is wholly misconceived. In paragraph 4 of the affidavit accompanying the Writ Petition the petitioner admits that the notice in Form-V was served on petitioner's father on 5.11.2005. This is due compliance with Rule 3B of the Rules (framed vide G.O.Ms.No.200 dt.28.4.1998). Insofar as enclosing a copy of the resolution proposed to be moved is concerned, the issue is squarely covered by decision of this Court in **P. Bapu Raju v. Revenue Divisional Officer, Sangareddy.** Further, though the meeting was scheduled to be commenced on 11.11.2005, the petitioner filed present Writ Petition on 14.11.2005 after completion of the meeting. Admittedly the meeting was convened by the third respondent and the motion was carried against the petitioner.

The Writ Petition for the above reasons is dismissed.

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(V.V.S.RAO, J)

15.11.2005

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